

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case and Names of Parties

April 6, 2007

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 06-11876 - United States v. Dominique Lewis

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issue:

1. **Whether Lewis waived or forfeited his double jeopardy claim by failing to assert it at trial.**
2. **Assuming Lewis forfeited the error, whether his double jeopardy claim would be successful under plain-error review.**

Appellant's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, April 30, 2007. Appellee's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, May 21, 2007. Any reply brief by the Appellants must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Thursday, May 31, 2007. NO EXTENSIONS WILL BE GRANTED. An original and 18 copies of the en banc briefs should be filed (appellants' in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). NO TIME FOR MAILING SHALL BE ALLOWED. The filing of an en banc amicus briefs is governed by 11th Cir. R. 35-8. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

All counsel are requested to file 16 copies of their original opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Monday, April 30, 2007

The case will be considered on the briefs only. Oral arguments will not be conducted in this matter.

Thank you for your attention.

Sincerely,

THOMAS K. KAHN, Clerk

By: _____

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